



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2018/072

Judgment No.: UNDT/2019/159

Date: 4 November 2019

Original: English

Before: Judge Margaret Tibulya

Registry: Nairobi

Registrar: Abena Kwakye-Berko

AURELUS

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT ON RECEIVABILITY

Counsel for the Applicant:
Self-represented

Counsel for the Respondent:
Rosangela Adamo, AAS/ALD/OHR
Nicole Wynn, AAS/ALD/OHR

The Application and Procedural History

1. The Applicant is a Human Resources Assistant at the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA). She serves on a continuing appointment at the FS-5 level and is based in Bangui.

2. On 19 July 2018, the Applicant filed an application challenging the Respondent's decision to deny reimbursement for airline tickets she purchased to travel on home leave in 2014.

3. The Respondent filed his reply to the application on 20 August 2018. The Respondent submits, as a preliminary issue, that the application is both time and materially barred because the applicant did not seek management evaluation at the time the impugned decision was made.

4. On 14 February 2019, the Tribunal issued Order No. 014 (NBI/2019). The Tribunal decided that it was going to adjudicate on the receivability of this matter as a preliminary issue, and to that end sought the Applicant's response to the Respondent's submissions on receivability. The Applicant was directed to file her submissions by 28 February 2019. She has not done so.

Considerations

5. The Applicant acknowledges that she became aware of the decision she is appealing in December 2015. She claims that she made the decision to lodge this application after realising that her issue (in 2015) could have been handled in a professional manner, after a similar issue was professionally handled in 2018.

6. Staff rule 11.2(c) provides that a staff member must seek management evaluation within 60 days from the date on which they received notification of the administrative decision to be contested.

7. Article 8.3 of the Statute of the Dispute Tribunal provides that the Dispute Tribunal may not waive the deadline for management evaluation.

8. The relevant date for purposes of the rule however, is the one on which the staff member knew or reasonably should have known of the implied decision. That date is the one which sets the deadline for seeking management evaluation.¹ In this case that date was 15 December 2015.

9. Since the Applicant sought management evaluation in 2018, the application is not receivable *ratione materiae* and it is rejected.

(Signed)

Judge Margaret Tibulya

Dated this 4th day of November 2019

Entered in the Register on this 4th day of November 2019

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi

¹ *Chahrour* 2014-UNAT-406, para. 31.